DOCUMENT RESUME

ED 312 321 UD 026 864

| | |
|---|---|
| TITLE | Student Assignment in Elementary and Secondary Schools & Title VI. |
| INSTITUTION | Office for Civil Rights (ED), Washington, DC. |
| PUB DATE | 89 |
| NOTE | 11p. |
| AVAILABLE FROM | U.S. Department of Education, Office for Civil Rights, Washington, DC 20202-1328. |
| PUB TYPE | Guides - Non-Classroom Use (055) -- Legal/Legislative/Regulatory Materials (090) |
| EDRS PRICE | MF01/PC01 Plus Postage. |
| DESCRIPTORS | *Ability Grouping; *Civil Rights Legislation; *Classroom Desegregation; *Educational Discrimination; Elementary Secondary Education; *Enrollment; Federal Aid; Federal Legislation; Handicap Identification; Limited English Speaking; Minority Groups; Racial Bias; Sex Bias; *Student Placement; Track System (Education) |
| IDENTIFIERS | *Civil Rights Act 1964 Title VI |

ABSTRACT

Title VI of the Civil Rights Act of 1964 prohibits discrimination in the assignment of students to schools, classes, ability groups, and tracks in programs or activities that receive federal assistance. These assignments may not be made on the basis of race, color, or national origin. The law does not require schools and activities to be racially balanced, but reasonable efforts must be made to prevent the segregation of students. When classes have a substantially disproportionate number of minority or nonminority students, there must be valid nondiscriminatory reasons for the assignments. Only students who have been appropriately classified as handicapped students may be assigned to special education classes. Courses for students with limited proficiency in English may include disproportionate enrollments of national origin minority students, but the programs must be designed to move these students into regular classes as soon as the students are able to participate in the regular classwork. All students must be provided with counseling and have equal access to elective classes. In schools with ability grouping or tracks, students must have opportunities to change group or track according to their progress. Tests and other evaluative procedures must be sound indicators of the students' needs and achievements. Information is given about the regional Civil Rights Offices. (VM)

**********
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
**********

ED312321

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

# STUDENT ASSIGNMENT IN ELEMENTARY AND SECONDARY SCHOOLS and TITLE VI

---

**Title VI of the Civil Rights Act of 1964**

**Prohibits Discrimination in Assigning Students to Schools, Classes, or Courses of Study**

**in Programs or Activities Which Receive Federal Financial Assistance**

---

**U.S. Department of Education**
**Office for Civil Rights**
**Washington, D.C. 20202-1328**

## STUDENT ASSIGNMENT AND TITLE VI IN ELEMENTARY AND SECONDARY SCHOOLS

The laws protecting students from discrimination on the basis of race, color, or national origin provide that schools may not discriminate in assigning students to schools, classes, or ability groups and tracks in programs or activities that receive Federal financial assistance.

The general prohibition against such discrimination is found in Title VI of the Civil Rights Act of 1964 which states that:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

### Assignment to Schools

Student assignment to schools may not be made on the basis of race, color, or national origin. In some areas, the population distribution of a school district enrolling large numbers of minority and nonminority students results in schools with substantially disproportionate enrollments of students of one race. The law does not require each school within a district to have a racially balanced student population. However, a school district must make reasonable efforts to prevent the racial segregation of students in schools.

### Assignment to Classes

Students may not be assigned to classes on the basis of race, color, or national origin. Some schools offer courses of study which result in the assignment of students to classes with a substantially disproportionate number of minority or

nonminority students. There must be valid and nondiscriminatory reasons for such assignments. For example, valid educational reasons may exist when the class is designed for national origin-minority students with limited proficiency in the English language. Students may be assigned to such courses only when appropriate and non-discriminatory screening and/or evaluation and placement procedures have been followed.

**Special Education Classes for Handicapped Students**

Only students who have been appropriately evaluated according to laws governing placement of handicapped students may be assigned to special education classes. For more information regarding the legal requirements pertaining to procedures for the evaluation and placement of handicapped students, contact the Office for Civil Rights of the Department of Education. Addresses for regional offices are found at the back of this pamphlet.

**Classes Designed for National Origin-Minority Students with Limited English Proficiency**

Some national origin minority students have limited-English proficiency (LEP students), and do not speak, read, or understand English well enough to benefit from a regular course of instruction. The law requires school districts to make efforts to correct the English language deficiencies of these students, so that they may have the same educational opportunity as non-LEP students.

Many schools have developed courses of instruction that are especially designed for the needs of LEP students. No particular program of instruction is required, as long as the students' needs are effectively met. Courses for LEP students may include disproportionate enrollments of national

origin minority students, but they must be designed to move these students into regular classes as soon as the students are able to participate in the regular classwork.

For more information regarding the requirements concerning the evaluation and assignment of LEP students to such classes, contact a regional office of the Office for Civil Rights, as indicated at the back of this pamphlet.

**Assignment of Students to Elective Courses**

School systems often allow voluntary course selection by students. Assignments of students to elective courses sometimes result in disproportionate enrollments of minority or nonminority students in certain classes. These disproportionate enrollments may be caused by school policies or practices that limit choices of minority students to certain classes. School officials must ensure that all students are provided nondiscriminatory counseling information and have equal access to elective classes.

**Assignment to Ability Groups and Tracks**

Many schools provide different levels of instruction in a particular subject (ability grouping), or offer a series of instructional programs designed for students with special interests or limited academic achievement (tracks). Assignments to ability groups and tracks may result in courses with substantially disproportionate enrollments of minority or nonminority students.

Students are assigned to ability groups or tracks on the basis of their academic performance and/or interests, and the criteria used to make these assignments must be nondiscriminatory. Students must be given the opportunity to move from one ability group to another, or in and out of assigned tracks according to their progress.

If ability grouping or tracks result in classes with substantially disproportionate enrollments of students of one race or minority group, the criteria and the procedures for making assignments should be examined, to verify their validity and to avoid discrimination on the basis of race, color, or national origin. There must be sound educational justification for the assignment of students to ability groups or tracks.

**Testing, Evaluations, and Criteria for Student Assignment**

At all times, school districts must be careful to use appropriate evaluation and testing methods before assigning students to specialized classes or courses of study. Tests must be educationally sound indicators of a student's particular needs and achievement, in order to avoid student assignment to inappropriate courses.

For example, a minority student who has not been properly tested for possible learning disabilities may be assigned to remedial courses that do not provide the type of instruction needed. Or, national origin minority students with limited English proficiency may be tested in English, receive scores that are not valid indicators of their proficiency in the tested areas, and be assigned to a class that does not meet their needs. Such student assignments may be discriminatory on the basis of race, color, or national origin.

Schools must ensure that all screening procedures are nondiscriminatory. Periodic testing and reevaluation of students in specialized courses of study may be required.

For more information about avoiding discrimination in student assignment, contact the Office for Civil Rights. Addresses of the regional offices are found at the back of this pamphlet.

## U.S. DEPARTMENT OF EDUCATION
## OFFICE FOR CIVIL RIGHTS

## REGIONAL CIVIL RIGHTS OFFICES

### REGION I

Connecticut, Maine, Massachusetts,
New Hampshire, Rhode Island, Vermont

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region I
John W. McCormack Post Office and
Courthouse Building, Rm. 222
Boston Massachusetts 02109-4557
(617) 223-9662 TDD (617) 223-9695

### REGION II

New Jersey, New York, Puerto Rico,
Virgin Islands

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region II
26 Federal Plaza, 33rd Floor, Rm. 33-130
New York, New York 10278-0082
(212) 264-4633 TDD (212) 264-9464

### REGION III

Delaware, District of Columbia,
Maryland, Pennsylvania, Virginia,
West Virginia

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region III
3535 Market Street, Room 6300
Philadelphia, Pennsylvania 19104-3326
(215) 596-6772 TDD (215) 596-6794

**REGION IV**

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region IV
101 Marietta Tower - 27th Floor, Suite 2702
Mail To: P.O. Box 1705
Atlanta, Georgia 30301-1705
(404) 331-2954 TDD (404) 331-7816

**REGION V**

Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region V
401 South State Street - 7th Floor, Room 700C
Chicago, Illinois 60605-1202
(312) 886-3456 TDD (312) 353-2541

**REGION VI**

Arkansas, Louisana, New Mexico, Oklahoma, Texas

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region VI
1200 Main Tower Building - Suite 2260
Dallas, Texas 75202-9998
(214) 767-3959 TDD (214) 767-3639

**REGION VII**

Iowa, Kansas, Missouri, Nebraska

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region VII
P.O. Box 901381
10220 N. Executive Hills Blvd., 8th Floor
Kansas City, Missouri 64190-1381
(816) 891-8026

**REGION VIII**

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region VIII
1961 Stout Street, Room 342
Denver, Colorado 80294-3608
(303) 844-5695 TDD (303) 844-3417

**REGION IX**

Arizona, California, Hawaii, Nevada, Guam Trust Territory of the Pacific Islands, American Samoa

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region IX
221 Main Street, 10th Floor
San Francisco, California 94105-1925
(415) 227-8040 TDD (415) 227-8124

**REGION X**

Alaska, Idaho, Oregon, Washington

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region X
Mail Code 10-9010
915 Second Avenue, Room 3310
Seattle, Washington, 98174-1099
(206) 442-1636 TDD (206) 442-4542

U.S. DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202-1328

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

U.S. MAIL

POSTAGE AND FEES PAID
U.S. DEPARTMENT
OF EDUCATION
ED 395

FIRST CLASS